

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1357-01
Bill No.: HB 379
Subject: Crimes and Punishment; Domestic Relations; Elderly; Law Enforcement Officers and Agencies
Type: Original
Date: April 28, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Division of Liquor Control, – Capitol Police, – Missouri State Water Patrol, – Division of Fire Safety,** and the **– Missouri State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** would not expect a significant impact on the workload of the courts.

Officials from the **Department of Corrections (DOC)** assume the proposed legislation would include first degree assault of a law enforcement officer, first degree domestic assault, and first degree elder abuse as dangerous felonies. This would require offenders to serve at least 85% of their sentences. There would be a \$0 or minimal absorbable cost to the DOC because these offenders are currently serving at least 85% of their sentences.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

ASSUMPTION (continued)

Officials from the **Office of State Public Defender (SPD)** assume the proposal adds three crimes to the mandatory time served 85% of the sentence imposed by the court. Those cases are: assault of a law officer in the first degree (FY 02 cases = 23); domestic assault in the first degree (FY 02 cases = 92); and elder abuse in the first degree (FY 02 cases = 7). Most of these cases are currently being resolved through plea negotiations. If the legislation passes, most defendants will have little to lose by taking the case to trial. The total of these FY 02 cases is 132. Assuming 10% of them currently go to trial leaves approximately 100 that are currently being resolved by plea bargains. Of that 100, the SPD expects under this legislation that 20 more cases will go to trial because of the enhanced sentencing provision. Each of these cases will require a minimum of 60 additional work hours for a total of 1,200 hours. The SPD would require .5 new FTE Attorney (each at \$47,100 per year, plus fringe benefits, equipment and expenses). The SPD estimates the cost of the proposal to be \$38,808 in FY 04; \$41,393 in FY 05; and \$42,462 in FY 06.

Oversight assumes the Office of State Public Defender (SPD) could absorb the cost of the proposed legislation within existing resources. If the SPD experiences an increase that would require additional funding, the SPD could request the funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would revise the definition of dangerous felony to include assault of a law enforcement officer in the first degree, domestic assault in the first degree, and elder abuse in the first degree.

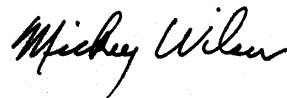
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Public Safety

- Division of Liquor Control
- Capitol Police
- Missouri State Water Patrol
- Division of Fire Safety
- Missouri State Highway Patrol

Office of Prosecution Services
Office of State Public Defender



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